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STATE OF VERMONT
COUNTY OF RUTLAND, SS

DONALD REED

Plaintiff

vs.

TOWN OF WELLS, KEN LITTLEWOOD,
ROBERT COMBS and
SHARON BROWN

Defendants.

RUTLAND SUPERIOR COURT

DOCKET NO. 682-11-03Rdcv

2:03-CV-306

ORIGINAL PAIR
RUTLAND SUPERIOR COURT

NOV 14 2003

Hayd. Johnson
Clerk

COMPLAINT

1. Plaintiff, Donald Reed is a citizen of the United States of America and a resident of the Town of Wells, Vermont.

2. The Defendant Town of Wells is a duly constituted Vermont Municipal Corporation and governmental subdivision of the State of Vermont.

3. Defendants, Ken Littlewood, Robert Combs and Sharon Brown are duly elected members of the Legislative Body of the Town of Wells.

4. This action arises under the United States Constitution, particularly under the 14th Amendment to the United States Constitution and under 42 U.S.C. § 1983 and the laws of the State of Vermont.

5. The Defendants acted at all times under color and pretense of the statutes, ordinances, regulations, customs and usages of the Town of Wells and the State of Vermont.

6. Donald Reed was appointed Treasurer for the Town of Wells in October of 2001 to fill out the unexpired term of the position vacated by resignation.

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7. Pursuant to 32 V.S.A. § 1672, Town Treasurers are entitled to one percent (1%) of all taxes collected “unless the Town by vote fixes the compensation otherwise.”

8. The Town of Wells has never voted to fix its Treasurer’s compensation otherwise.

9. The Defendants were aware that no vote pursuant to 32 V.S.A. § 1672 had occurred.

10. The Defendants willfully, maliciously and with reckless indifference to Plaintiff’s rights have refused to pay the amounts owed pursuant to 32 V.S.A. § 1672.

11. The 2002 Town of Wells budget also included a line item amount to be paid to Donald Reed in addition to the amounts owed pursuant to 32 V.S.A. § 1672.

12. The amount included in the budget has been earned by Donald Reed and not paid.

13. Defendants have willfully, maliciously and with reckless indifference to Plaintiff’s rights refused to pay the amounts included in the 2002 budget.

14. Defendants have deprived Donald Reed of a protected property interest without due process of law as guaranteed to him under the 14th Amendment to the United States Constitution.

15. Defendants have not accorded Donald Reed equal protection of the laws, as guaranteed to him under the 14th Amendment to the United States Constitution.

WHEREFORE, Donald Reed demands judgment as follows:

1. Awarding Plaintiff actual damages;
2. Awarding Plaintiff punitive damages;
3. Awarding Plaintiff his reasonable costs in connection with this matter;

4. Awarding Plaintiff his reasonable attorney's fees in connection with this matter;
- and
5. Awarding any other relief as may be just.

DATED at Essex Junction, Vermont, this 10th day of October, 2003.

UNSWORTH POWELL BARRA ORR & BREDICE, PLC

By: 

David A. Barra, Esq.
Attorney for Plaintiff
26 Railroad Avenue
P.O. Box 123
Essex Junction, VT 05453-0123
(802) 879-7133

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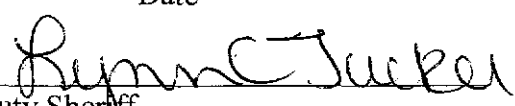
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ORIGINAL PAID
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NOV 04 2003

Hayd. Johnson
ClerkSUMMONS**To the above-named Defendant(s):**

You are hereby summoned and required to serve upon David A. Barra, Esq., Plaintiff's attorney, whose address is 26 Railroad Avenue, P.O. Box 123, Essex Junction, Vermont, 05453-0123, an answer to the Complaint which is herewith served upon you, within twenty (20) days after service of this Summons upon you, exclusive of the day of service.* If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint. Your answer must also be filed with the court. Unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action. **YOUR ANSWER MUST STATE SUCH A COUNTERCLAIM WHETHER OR NOT THE RELIEF DEMANDED IN THE COMPLAINT IS FOR DAMAGE COVERED BY A LIABILITY INSURANCE POLICY UNDER WHICH THE INSURER HAS THE RIGHT OR OBLIGATION TO CONDUCT THE DEFENSE.** If you believe that the Plaintiff is not entitled to all or part of the claim set forth in the Complaint, or if you believe that you have a counterclaim against the Plaintiff, you may wish to consult an attorney. If you feel that you cannot afford to pay an attorney's fee, you may ask the clerk of the court for information about places where you may seek legal assistance.


 David A. Barra, Esq.
 Attorney for Plaintiff
Dated 10/10/03*Served on 10-21-03
Date

 Deputy Sheriff